

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	
GEORGE BING TONKS,	:	06 Cr. 771 (PAC)
	:	
<i>Defendant.</i>	:	<u>ORDER</u>
	:	
-----X	:	

HONORABLE PAUL A. CROTTY, United States District Judge:

On May 21, 2020, Defendant George Bing Tonks (“defendant” or “Tonks”) filed a *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). *See* Dkt. 124. The defendant indicates that the Bureau of Prisons (“BOP”) was scheduled to release him on May 12, 2020. He seeks relief due to his medical conditions. According to the Government, the defendant is incorrect about his release date. (*See* Gov. Opp’n at 2, Dkt. 127.) His release date, as reflected in BOP records, is listed as February 3, 2021. The Government understands that the defendant will be permitted to reside at a residential re-entry center in Illinois starting on August 12, 2020. (*Id.*) The motion for compassionate release is denied as premature. *See* 18 U.S.C. § 3582(c)(1)(A).

A motion for compassionate release may be made by either the BOP or a defendant, but in the latter case only “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf *or* the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is

earlier.” *Id.* As there is no record of the defendant filing such a request for compassionate release with the Warden at FCI Beckley, the defendant has failed to satisfy the administrative exhaustion requirement. The motion for compassionate release is denied as premature and without prejudice to its renewal. Further, the request for appointment counsel is denied as moot given that the defendant is scheduled to be released to a re-entry center on August 21, 2020.

CONCLUSION

For the reasons stated, the defendant’s motion for compassionate release is denied as premature and without prejudice to its renewal. The Clerk of the Court is directed to terminate the motion at Docket 124.

Dated: New York, New York
June 11 2020

SO ORDERED



PAUL A. CROTTY
United States District Judge

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